

**HOUSE SUBSTITUTE FOR****HOUSE BILL NO. 10****AN ACT**

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2003 and ending June 30, 2004, as follows:

Section 10. 002. To the Department of Mental Health

2	For the purpose of funding Personal Service, Expense and Equipment,	
3	grants, refunds and distributions of the department	
4	From General Revenue Fund .....	\$509,234,658
5	From Federal Funds .....	136,243,848E
6	From Mental Health Interagency Payments Fund .....	6,322,098
7	From Facilities Maintenance Reserve Fund .....	1,197,230
8	From Mental Health Intergovernmental Transfer Fund .....	10,000,000
9	From General Revenue Reimbursements Fund .....	4,544,329
10	From Compulsive Gamblers Fund .....	452,988
11	From Health Initiatives Fund .....	4,935,195
12	From Family Support Loan Fund .....	291,305
13	From Mental Health Earnings Fund .....	3,711,600
14	From Healthy Families Trust Fund-Health Care Account .....	2,077,681
15	From Healthy Families Trust Fund-Tobacco Prevention Account .....	300,000
16	From Debt Offset Escrow Fund .....	70,000
17	From Mental Health Trust Fund .....	8,273,223

Section 10.003. To the Department of Mental Health

2	There is transferred out of the State Treasury such amounts as may be	
3	necessary to transfer money among certain funds for the several	
4	divisions and programs of the department	
5	From Department of Mental Health-Federal Fund . . . . .	\$19,811,800
6	From General Revenue Reimbursements Fund . . . . .	2,700,000
7	From Escheats Fund . . . . .	50,000

**DEPARTMENT OF MENTAL HEALTH TOTALS**

General Revenue Fund . . . . .	\$509,234,658
Federal Funds . . . . .	136,243,848
Other Funds . . . . .	<u>34,586,321</u>
Total (Not to exceed 9,625.98 F.T.E.) . . . . .	\$680,064,827

Section 10.004. To the Department of Health & Senior Services

2	For the purpose of funding Personal Service, Expense and Equipment,
3	grants, refunds and distributions of the department provided: 1. For
4	the purpose of funding family planning services, pregnancy testing
5	and follow-up services, that none of these funds appropriated
6	herein may be expended to directly or indirectly subsidize abortion
7	services or administrative expenses. Abortion services include
8	performing, assisting with, or directly referring for abortions, or
9	encouraging or counseling patients to have abortions. Family
10	planning services are preconception services that limit or enhance
11	fertility, including contraception methods, the management of
12	infertility, preconception counseling, education, and general
13	reproductive health care. Follow-up services are services that
14	supplement initial consultations for family planning services and
15	pregnancy testing but do not include pregnancy or childbirth care.
16	Nondirective counseling is defined as providing patients with a list
17	of health care and social service providers that provide pregnancy,
18	prenatal, delivery, infant care, foster care, adoption, alternative to
19	abortion and abortion services and nondirective, non-marketing
20	information in regard to such providers. Such list may categorize
21	the providers by the service or services they provide. An

22 organization that receives these funds may not directly refer  
23 patients who seek abortion services to any organization that  
24 provides abortion services, including its own independent affiliate.  
25 Nondirective counseling relating to pregnancy may be provided.  
26 None of these funds may be paid or granted to an organization or  
27 an affiliate of an organization that provides abortion services. An  
28 organization that receives these funds may not display or distribute  
29 marketing materials about abortion services to patients. An  
30 otherwise qualified organization shall not be disqualified from  
31 receipt of these funds because of its affiliation with an  
32 organization that provides abortion services, provided that the  
33 affiliated organization that provides abortion services is  
34 independent as determined by the conditions set forth in this  
35 section. To ensure that the state does not lend its imprimatur to  
36 abortion services, and to ensure that an organization that provides  
37 abortion services does not receive a direct or indirect economic or  
38 marketing benefit from these funds, an organization that receives  
39 these funds and its independent affiliate that provides abortion  
40 services may not share any of the following:

- 41 (a) The same or similar name;
- 42 (b) Medical or non-medical facilities, including but not limited to  
43 business offices, treatment, consultation, examination, and waiting  
44 rooms;
- 45 (c) Expenses;
- 46 (d) Employee wages or salaries; or
- 47 (e) Equipment or supplies, including but not limited to computers,  
48 telephone systems, telecommunications equipment and office  
49 supplies.

50 An independent affiliate that provides abortion services must be  
51 separately incorporated from any organization that receives these  
52 funds. An organization that receives these funds must maintain  
53 financial records that demonstrate strict compliance with this  
54 section and that demonstrate that its independent affiliate that  
55 provides abortion services receives no direct or indirect economic  
56 or marketing benefit from these funds. An independent audit shall

57 be conducted at least once every three years to ensure compliance  
58 with this section. If the organization is an affiliate of an  
59 organization which provides abortion services, the independent  
60 audit shall be conducted at least annually. The audit shall be  
61 conducted by either an independent auditing firm retained by the  
62 department of health or by an independent auditing firm approved  
63 by the department and retained by an organization receiving these  
64 funds. Any organization receiving federal funds pursuant to Title  
65 X of the federal Public Health Services Act may perform services  
66 which are required under the federal act, but otherwise prohibited  
67 pursuant to this section if:

- 68 1) Specifically directed by United States Secretary of Health and  
69 Human Services to perform such services by written order directed  
70 to the organization; and
- 71 2) Such order is final and no longer subject to appeal, and
- 72 3) The refusal to perform such required services will result in the  
73 withholding of federal funds to said organization.

74 Federal statutory or regulatory provisions or guidelines of general  
75 application shall not constitute such written order as described  
76 herein.

77 2. If any provision of subsection 1 of this section is held invalid, the  
78 provision shall be severed from subsection 1 of this section and the  
79 remainder of subsection 1 of this section shall be enforced. If the  
80 entirety of subsection 1 of this section is held invalid, then this  
81 appropriation shall be in accordance with subsection 3 of this  
82 section; otherwise subsections 3 and 5 of this section shall have  
83 no effect.

84 3. For the purpose of funding family planning services, pregnancy testing,  
85 and follow-up services that are provided directly by the  
86 Department of Health or provided directly by government agencies  
87 of this state or provided directly by any political subdivision of this  
88 state or provided directly by community mental health centers  
89 organized pursuant to sections 205.975 to 205.990, RSMo, or  
90 provided directly by community action agencies organized  
91 pursuant to sections 660.370 to 660.374, RSMo, through

contractual agreement with the department, provided that none of the funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling is defined as providing patients with a list of health care and social service providers that provide pregnancy, prenatal, delivery, infant care, foster care, adoption, alternative to abortion and abortion services and nondirective, non-marketing information in regard to such providers. Such list may categorize the providers by the service or services they provide. An entity that receives funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to an entity that provides abortion services. Any entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the Department of Health or by an independent auditing firm approved by the department and retained by the entity receiving these funds. Any entity receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

- 126 1) Specifically directed by the United States Secretary of Health  
127 and Human Services to perform such services by written order  
128 directed to the entity; and  
129 2) Such order is final and no longer subject to appeal, and  
130 3) The refusal to perform such required services will result in the  
131 withholding of federal funds to said entity.

132 Federal statutory or regulatory provisions or guidelines of general  
133 application shall not constitute such written order as described  
134 herein.

- 135 4. If the entirety of subsection 1 of this section is held invalid and any  
136 provision of subsection 3 of this section is held invalid, then this  
137 appropriation shall be in accordance with subsection 5; otherwise  
138 subsection 5 shall have no effect.

- 139 5. For the purpose of funding family planning services, pregnancy testing,  
140 and follow-up services that are provided directly by the  
141 Department of Health or provided by government agencies of this  
142 state or provided directly by any political subdivision of this state  
143 through contractual agreement with the department, provided that  
144 none of these funds appropriated herein may be expended to  
145 directly or indirectly subsidize abortion services or administrative  
146 expenses. Abortion services include performing, assisting with, or  
147 directly referring for abortions, or encouraging or counseling  
148 patients to have abortions. Family planning services are  
149 preconception services that limit or enhance fertility, including  
150 contraception methods, the management of infertility,  
151 preconception counseling, education, and general reproductive  
152 health care. Follow-up services are services that supplement initial  
153 consultations for family planning services and pregnancy testing  
154 but do not include pregnancy or childbirth care. Nondirective  
155 counseling is defined as providing patients with a list of health  
156 care and social service providers that provide pregnancy, prenatal,  
157 delivery, infant care, foster care, adoption, alternative to abortion  
158 and abortion services and nondirective, non-marketing information  
159 in regard to such providers. Such list may categorize the providers  
160 by the service or services they provide. The department and any

other government entity receiving funds pursuant to this subsection may not directly refer patients who seek abortion services to any organization that provides abortion services. Nondirective counseling relating to pregnancy may be provided. None of the funds provided pursuant to this subsection may be paid or granted to a government entity that provides abortion services. The department and any other government entity receiving funds pursuant to this subsection may not display or distribute marketing materials about abortion services to patients. An independent audit shall be conducted at least once every three years to ensure compliance with this section. The audit shall be conducted by either an independent auditing firm retained by the Department of Health or by an independent auditing firm approved by the department and retained by the government entity receiving these funds. Any government entity receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required under the federal act, but otherwise prohibited pursuant to this section if:

- 1) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the government entity; and
- 2) Such order is final and no longer subject to appeal, and
- 3) The refusal to perform such required services will result in the withholding of federal funds to said government entity.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

6. For the purpose of funding alternatives to abortion services, consisting of services or counseling offered to a pregnant woman and continuing for one year thereafter, to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption, including, but not limited to the following: prenatal care; medical and mental health care; parenting skills; drug and alcohol testing and treatment; child care; newborn or infant care; housing; utilities; educational services; food, clothing and supplies relating to pregnancy, newborn care and parenting; adoption assistance;

195 job training and placement; establishing and promoting responsible paternity; ultrasound  
 196 services; case management; domestic abuse protection; and transportation. Actual provision and  
 197 delivery of such services shall be dependent on client needs and not otherwise prioritized by the  
 198 department. Such services shall be available only during pregnancy and continuing for one year  
 199 thereafter, and shall exclude any service of the type described in paragraphs 1 through 5. An  
 200 independent audit shall be conducted annually to ensure compliance with this section. None of  
 201 these funds shall be expended to perform or induce, assist in the performing or inducing of, or  
 202 refer for, abortions; and none of these funds shall be granted to organizations or affiliates of  
 203 organizations that perform or induce, assist in the performing or inducing of, or refer for,  
 204 abortions.

205	From General Revenue Fund .....	\$84,552,947
206	From Federal Funds .....	316,923,445E
207	From Department of Mental Health Interagency Payments Fund .....	520,527
208	From Division of Aging Donations Fund .....	50,000
209	From Nursing Facility Quality of Care Fund .....	3,373,257
210	From Health Initiatives Fund .....	5,406,873
211	From Health Access Incentive Fund .....	4,220,482
212	From Mammography Fund .....	70,402
213	From Division of Aging Elderly Home Delivered Meals Trust Fund .....	430,000
214	From Missouri Public Health Services Fund .....	3,215,501
215	From Professional & Practical Nursing Student Loan and Nurse Loan	
216	Repayment Fund .....	535,835
217	From Medical School Loan Repayment Fund .....	50,000
218	From Department of Health Document Services Fund .....	815,012
219	From Workers Compensation Fund .....	140,163
220	From Department of Health-Donated Fund .....	4,514,453
221	From Healthy Families Trust Fund-Senior Catastrophic Prescription Account .....	980,000
222	From Hazardous Waste Remedial Fund .....	241,409
223	From Missouri Senior Rx Fund .....	30,786,736
224	From Debt Offset Escrow Fund .....	50,000
225	From Organ Donation Fund .....	357,482
226	From Early Childhood Development Education and Care Fund .....	991,998
227	From Smith Memorial Endowment Fund .....	35,000
228	From Blindness Education Screening and Treatment Fund .....	250,000
229	From Missouri Lead Abatement Loan Fund .....	276,000



230 From Crippled Children's Service Fund . . . . . 275,000

Section 10.006. To the Department of Health and Senior Services

2 There is transferred out of the State Treasury such amounts as may be  
 3 necessary to transfer money among certain funds for the several  
 4 divisions and programs of the department

5 From Health Initiatives Fund . . . . . \$4,268,003

6 From Healthy Families Trust Fund-Senior Catastrophic Prescription Account . . . 19,199,041

**DEPARTMENT OF HEALTH TOTALS**

General Revenue Fund . . . . . \$84,552,947

Federal Funds . . . . . 316,923,445

Other Funds . . . . . 57,015,603

Total (Not to exceed 2,184.16 F.T.E.) . . . . . \$458,491,995